

PATENT COOPERATION TREATY

REC'D 20 JAN 2005
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From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IB2004/052382

International filing date (day/month/year)
11.11.2004

Priority date (day/month/year)
20.11.2003

International Patent Classification (IPC) or both national classification and IPC
H05B3/26, H05B3/16

Applicant
KONINKLIJKE PHILIPS ELECTRONICS N.V.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/052382

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/052382

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3,4,7,8
	No: Claims	1,2,5,6
Inventive step (IS)	Yes: Claims	
	No: Claims	1-8
Industrial applicability (IA)	Yes: Claims	1-8
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Reference is made to the following document:

D1: EP-A-0 967 838 (WHITE CONSOLIDATED IND INC) 29 December 1999 (1999-12-29)

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1, 2, 5 and 6 is not new in the sense of Article 33(2) PCT.

The document D1 discloses (the references in parentheses applying to this document):

A film heating element(110), at least comprising an aluminium substrate(120)([0020]), an electrically insulating layer(170) which is based on a sol-gel precursor (§[0028]), and an electrically resistive layer(130) with a thickness smaller than 2µm (§[0008], [0021]).

Therefore, the subject-matter of claim 1 is not new(Article 33(2) PCT).

The document D1 additionally discloses:

A film heating element(110) wherein the electrically resistive layer(130) comprises an inorganic material (§[0021]).

A heating element(110) wherein the heating element further comprises a conductive layer (§[0013]).

An electrical domestic appliance comprising at least such a heating element(110) (§[0006]).

Therefore, the subject-matter of claims 2, 5 and 6 is also not new(Article 33(2) PCT).

The present application does not meet the criteria of Article 33(1) PCT, because the

subject-matter of claims 3, 4, 7 and 8 does not involve an inventive step in the sense of Article 33(3) PCT.

The subject-matter of dependant claims 3 and 4 consists in the selection of a particular material for the sol-gel precursor. Such a selection can only be regarded as inventive, if the film heating element presents unexpected effects or properties. However, no such effects or properties are indicated in the application. Hence, no inventive step is present in the subject-matter of dependant claims 3 and 4.

In dependant claim 7, a selection of obvious electrical domestic appliances is selected which comes within the scope of the devices which would obviously use a film heating element, and the advantages thus achieved can readily be foreseen. Consequently, the subject-matter of dependant claim 7 also lacks an inventive step (and it is additionally noted that the use in hot plates is also known from D1).

In claim 8, the obvious method to build the known film heating element of claim 1 is defined which comes within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can readily be foreseen. Consequently, the subject-matter of claim 8 also lacks an inventive step.

Re Item VII

Certain defects in the international application

Independent claim 1 is not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).